

REMARKS

I. Interview of November 28, 2007 and January 9 and 14, 2008

Applicant and attorney therefor first wish to thank the Examiner for his time and attention during the Examiner Interview conducted telephonically on November 28, 2007 and January 9 and 14, 2008.

On November 28, 2007, discussion was had about the independent claims of the present invention between the Examiner, the undersigned, and co-inventor William Bohach. A first facsimile was thereafter provided to the Examiner labeled "January 7, 2008 DRAFT - FOR DISCUSSION PURPOSES ONLY," a copy of which is attached hereto as Exhibit A, and which was discussed on January 9, 2008, between the Examiner, the undersigned, and co-inventor William Bohach. A second facsimile was thereafter provided to the Examiner labeled "January 9, 2008 DRAFT - FOR DISCUSSION PURPOSES ONLY," a copy of which is attached hereto as Exhibit B, and which was discussed on January 14, 2008, between the Examiner and the undersigned. Though formal agreement was not reached, the Examiner seemed optimistic about the allowability of amended claims.

II. The Office Action

Claims 1-32 and 36-63 are pending, and Claims 1, 2, 12-15, 17, 18, 20, 25, 29, 30, 36, 38, 41, and 44 thereof are currently amended. In view of the prior restriction requirement in the present application, Claims 33-35 have been cancelled herein to expedite allowance of the present application, though Applicant respectfully reserves the right to pursue Claims 33-35 in another proceeding or application, e.g., a divisional application.

a. Independent Claims 1, 29, 36, 38, and 41

The Examiner rejects Claims 1, 29, 36, 38, and 41 in the Office Action as allegedly being anticipated by U.S. Patent Nos. 4,310,483 (Dorfel), 5,199,986 (Krockert), and 3,660,129 (Luginsland). Applicant respectfully submits that such rejection as applied to independent Claims 1, 29, 36, 38, and 41 is moot in view of the amendments made respectively thereto. Applicant respectfully submits that Claims 1, 29, 36, 38, and 41 are each respectively patentable for at least the following reasons:

- Regarding independent Claim 1, such Claim recites "rotating the hollow vessel to agglomerate the polarized pigment particles to form electrostatically-bound pigment pseudoparticles," and Applicant respectfully submits that Krockert, Luginsland, and Dorfel fail to disclose or suggest such recitation;

- Regarding independent Claim 29, such Claim recites "rotating the inner cylindrical surface, thereby inducing a repeated avalanching of the polarized pigment particles that agglomerates the polarized pigment particles into electrostatically-bound

pigment pseudoparticles," and Applicant respectfully submits that Krockert, Luginsland, and Dorfel fail to disclose or suggest such recitation;

- Regarding independent Claim 36, such Claim recites "rotating the inner cylindrical surface, thereby inducing a repeated avalanching of the polarized pigment particles that agglomerates the polarized pigment particles into electrostatically-bound pigment pseudoparticles," and Applicant respectfully submits that Krockert, Luginsland, and Dorfel fail to disclose or suggest such recitation;

- Regarding independent Claim 38, such Claim recites "means for agglomerating the polarized pigment particles into electrostatically-bound pigment pseudoparticles," and Applicant respectfully submits that Krockert, Luginsland, and Dorfel fail to disclose or suggest such recitation; and

- Regarding independent Claim 41, such Claim recites "said scoops being configured to, in response to rotation of said hollow vessel, lift and dispense pigment particles so as to form electrostatically-bound pigment pseudoparticles," and Applicant respectfully submits that Krockert, Luginsland, and Dorfel fail to disclose or suggest such recitation.

For at least these reasons, Applicant respectfully requests allowance of independent Claims 1, 29, 36, 38, and 41.

b. Independent Claim 44

The Examiner rejects independent Claim 44 in the Office Action as allegedly being anticipated by Dorfel, Krockert, and Luginsland. Applicant respectfully traverses the rejection of independent Claim 44, and respectfully submits that Dorfel, Krockert,

and Luginsland fail to disclose or suggest "an attachment end attached to the inner cylindrical surface, a dispenser end distal the attachment end, and a segment of paddle between the attachment end and the dispenser end, wherein the segment has concave curvature facing the direction of rotation." For at least this reason, Applicant respectfully requests allowance of independent Claim 44 and withdrawal of the rejection thereto.

Amendment is made to independent Claim 44, though it is noted that such has not been done for the purpose of overcoming the rejection to independent Claim 44. Rather, amendment to independent Claim 44 has been made for grammatical reasons unrelated to patentability.

c. Dependent Claims 2-28, 30-32, 37, 39, 40, 42-43, and 45-63.

The Examiner rejects dependent Claims 2-28, 30-32, 37, 39, 40, 42-43, and 45-63 in the Office Action as allegedly being anticipated by Dorfel, Krockert, and Luginsland. However, Applicant believes that Independent Claims 1, 29, 36, 38, 41, and 44 are patentable for the reasons discussed above and thus believes that dependent Claims 2-28, 30-32, 37, 39, 40, 42-43, and 45-63 are patentable at least by virtue of the patentability of their respective base claims. For at least this reason, Applicant respectfully requests allowance of dependent Claims 2-28, 30-32, 37, 39, 40, 42-43, and 45-63 and withdrawal of the rejections thereto.

Amendment is made to dependent Claims 2, 12-15, 17, 18, 20, 25, and 30, though it is noted that such has not been done so for the purpose of overcoming the rejections. For example, the amendment to Claims 2, 12-15, 17, 18, 20, 25, and 30 is respectfully submitted for grammatical reasons unrelated to patentability. As another

example, the amendment to Claims 18 and 20 is made to broaden Claims 18 and 20 by altering the dependencies thereof.

III. Conclusion

At least for the reasons discussed above, Applicant respectfully requests withdrawal of all rejections and allowance of all pending claims.

Should there remain any questions or other matters whose resolution could be advanced by a telephone call, the Examiner is invited to contact the undersigned attorney at his number below.

It is noted that this Reply is filed together with a supplemental Information Disclosure Statement (IDS) for consideration, and Applicant respectfully submits that all pending claims are patentable in view thereof.

The Examiner is authorized to charge any fees associated with this Reply (e.g., the extension of time fee and IDS fee), charge any underpayment, and/or credit any overpayment to Deposit Account No. 503571.

Respectfully submitted,

McCARTER & ENGLISH, LLP

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